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Security Council

Seventieth year

Provisional

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Tuesday, 12 May 2015, 3 p.m.
New York

President:	Mrs. Jakubonė	(Lithuania)
Members:	Angola	Mr. Gimolieca
	Chad	Mr. Cherif
	Chile	Mr. Olguín Cigarroa
	China	Mr. Zhao Yong
	France	Mr. Stehelin
	Jordan	Mrs. Kawar
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Taula
	Nigeria	Mr. Adamu
	Russian Federation	Mr. Zagaynov
	Spain	Mr. González de Linares Palou
	United Kingdom of Great Britain and Northern Ireland	Ms. Mulvein
	United States of America	Mr. Simonoff
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

The situation in Libya

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Prosecutor Bensouda.

Ms. Bensouda: I thank you, Madam President, for this opportunity to once again engage with the Security Council on my Office of the Prosecutor's ninth report on Libya.

My Office welcomes the ongoing dialogue with Council members, and in particular with Rome Statute States parties that continue, in ways large and small, to bring justice to the Council's table as a paramount issue. It is those efforts that can tangibly demonstrate that justice and peace are indeed complementary and can go hand-in-hand. My Office supports those efforts as an essential tool for facilitating the work of the International Criminal Court (ICC) in the halls of the United Nations and beyond.

To that end, I extend my sincere gratitude to the United Nations Support Mission in Libya (UNSMIL), in particular its Human Rights, Transitional Justice and Rule of Law Division. The Mission's support for my Office in its ongoing assessment of the admissibility of the *Abdullah Al-Senussi* case has been essential. In particular, I would like to acknowledge with thanks the notable commitment of the United Nations Special Representative and UNSMIL Head, Mr. Bernardino León. My Office looks forward to continuing to work closely with the Mission in the coming weeks and months.

Finally, I would like to express my gratitude to the Libyan Prosecutor-General's Office for its ongoing professional engagement in implementing the November 2013 memorandum of understanding between the Government of Libya and my Office. Together, we remain committed to bringing fair and impartial justice to Libya's victims.

The deteriorating security situation in Libya continues to be a matter of great concern not only for my Office, but for the Council and the broader international community. Innocent civilians continue to bear the brunt of the deteriorating security situation. The frequency and brutality of assassinations, terrorist attacks and threats to media workers and human rights defenders — and in particular against women — are especially troubling. Libya continues to be split, with two Governments vying for legitimacy.

The international community must be more proactive in exploring solutions in order to tangibly help Libya restore stability and strengthen accountability for Rome Statute crimes. To that end, my Office has encouraged the establishment of an international contact group on justice issues through which material, legal and other support could be provided to Libya. My Office is modestly contributing to those efforts by fostering cooperative efforts between investigative authorities in Libya and other countries. One proposal I submit before the Council is for a willing State with substantial experience in transitional justice to consider partnering with Libya to explore more concretely how such a contact group might be brought to life in the near future.

It is crucial for such efforts to include local actors so that their voices and views on achieving justice are amplified and heard. My Office appreciates the efforts that the United Nations Support Mission in Libya, as well as the Permanent Mission of Libya to the United Nations, have made to that end, and looks forward to continuing such efforts with those and other partners as we forge ahead in finding solutions to the crisis in Libya.

As I suggested in my previous statements, the Libyan authorities should facilitate a visit to New York by representatives from the local councils of Misrata and Tawergha to meet and engage with Council members. My Office agrees with those who believe that facilitating a solution for the Tawergha issue will have symbolic importance and resonance in Libya. While it has not yet been possible to organize such a visit, I believe that we can achieve results before our next briefing, in November, with the help of the United Nations Support Mission in Libya, the Libyan Mission to the United Nations, the Libyan focal point to the ICC

and other initiatives engaging with Libyan local leaders and civil society to promote justice.

I have taken note of the Council's resolution 2174 (2014), of 27 August 2014, and resolution 2213 (2015), of 27 March 2015. Both make reference to the referral of the Libyan situation to the ICC in resolution 1970 (2011) and stress the importance of the Libyan Government's full cooperation with the ICC and with my Office. Like the Council, we deplore the increasing violence in Libya, and we are deeply concerned at the impact of the violence on Libya's civilian population and institutions. Accountability for those responsible for violations or abuses of human rights or violations of international humanitarian law is essential.

I have also taken note of the Council's call for accountability for the use of violence against civilians and civilian institutions by groups purportedly claiming allegiance to the Islamic State in Iraq and the Levant (ISIL), or Daesh. My Office believes that ICC jurisdiction over Libya prima facie extends to such alleged crimes. I recall, however, the principle that States, in the first instance, bear the primary responsibility to investigate and prosecute their nationals who have joined forces with ISIL and are alleged to be committing Rome Statute crimes. Similarly, my Office continues to be concerned about alleged indiscriminate attacks in heavily populated areas by both Operation Libyan Dawn and Operation Dignity forces, resulting in civilian casualties, in particular in Benghazi, Tripoli, Warshefana and in the Nafusa Mountains. I reiterate my call to all parties involved in the conflict to refrain from targeting civilians or civilian objects, or committing any other crimes that may fall within ICC jurisdiction, and to be vigilant and actively take all the necessary measures to prevent the commission of such crimes. My Office is actively considering the investigation and prosecution of further cases and will not hesitate to take such action as may be needed to contribute to ending impunity in Libya or to contribute to such action by other relevant prosecutorial authorities.

Although the Libyan Prosecutor-General's office in particular has engaged in fruitful cooperation with my Office, I must reiterate that there are specific areas in which the Government of Libya is in non-compliance with the Court's orders. In particular, I recall that, on 10 December 2014, the Pre-Trial Chamber found that Libya had failed to comply with the Chamber's requests to surrender Saif Al-Islam Al-Qadhafi to the Court, to return to his defence the originals of the documents seized in Zintan by the Libyan authorities from the former defence counsel for Saif Al-Islam Al-Qadhafi and to destroy any copies thereof.

The Pre-Trial Chamber decided to refer the matter of Libya's non-compliance to the Council in accordance with regulation 109 (4) of the regulations of the Court. The Office notes that the Council referred to that decision in resolution 2213 (2015). The Office continues to press Libyan authorities to comply and to consult with the Court in order to resolve any problems that may impede or prevent the execution of the requests. The Council is encouraged to do the same.

The Rome Statute provides for such consultation. In the light of the continuing cooperation that my Office receives from the Prosecutor-General's Office, the importance of constructive consultations to address problems that may impede or prevent the execution of those requests is even greater. My Office will do whatever it can to encourage and facilitate those consultations, with the goal of ensuring Libya's full cooperation with the Court.

In relation to the case of *Abdullah Al-Senussi*, the Office stated in its last report to the Council that no decision had been taken at the time to submit a request for review under article 19 (10) of the Rome Statute. As indicated, the Office had requested from Libya information on the national proceedings against Mr. Al-Senussi and had taken steps to access data and analysis from independent trial-monitoring sources.

The Office has since received information from the United Nations Support Mission in Libya on the domestic proceedings, as well as from the Libyan Prosecutor-General's Office and from independent civil society members. Based on that information and on an internal analysis of available video recordings of selected trial sessions received from United Nations Support Mission in Libya, the Office has concluded that it is not in possession of new facts that would fully satisfy it that the basis on which the case against Mr. Al-Senussi had previously been found inadmissible before the ICC has been negated. This position is taken on the basis of information currently available to the Office and is subject to change should we receive further reliable information that would warrant a reassessment of the finding. The Office will continue to monitor the situation in Libya and the domestic proceedings against Mr. Al-Senussi.

In conclusion, I will simply reiterate that there is more that we can and must all do to ensure peace and justice in Libya. I will do my part in the effort to end impunity, and I look forward to working with our partners in Libya and among Libyan civil society and grass-roots leadership, at the United Nations, among the Rome Statute States parties and with the Libyan Mission to the United Nations to bring those plans to fruition.

The President: I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to the members of the Security Council.

Mrs. Kawar (Jordan) (*spoke in Arabic*): I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing today and for introducing the ninth report submitted to the Security Council pursuant to resolution 1970 (2011).

Jordan stresses its continued support for the International Criminal Court based on our conviction in the principles on which it was founded. The Court is a main pillar for the promotion of criminal justice, for putting an end to impunity for the perpetrators of the worst crimes and for the maintenance of international peace and security and the rule of law.

Jordan welcomes the continuing consultations between the Libyan Government and the Office of the Prosecutor of the ICC, as noted in the report. Jordan stresses that the Court's success in achieving its objectives mainly relies on consultations and the building of bridges of mutual cooperation. In that regard, we would like to call upon the Libyan Government to cooperate with the Court and to provide all possible material and logistical support to enable the Court to gather evidence, investigate incidents, and coordinate and exchange information on the arrest and surrender of individuals.

We would also like to highlight our appreciation of the huge challenges that face Libya today. It is important that Libya continues to work to establish the rule of law and to ensure the investigation of all criminal incidents for all crimes, without exception, in accordance with international judicial criteria and with the goal of establishing justice. That is particularly necessary since the number of displaced persons and asylum seekers has continued to increase due to the barbaric practices of murder, kidnapping, torture and arbitrary arrests, which all fall within the competence of the Court.

In conclusion, we would like to emphasize the importance of establishing criminal justice as a main pillar of stability in Libya. We also stress the need to respect the unity, sovereignty, territorial integrity and political independence of Libya, as well as its commitment to comprehensive dialogue, to the denunciation of violence and to support for the political process. We underscore the importance of providing full support to Libya's legitimate constitutional institutions and putting an end to all hostilities on Libyan territory. We also stress the necessity of the efforts of all Libyans in enabling the Libyan State to restore control over its entire territory and continue the democratic transition and political process.

Mr. Gimolieca (Angola): We thank Ms. Fatou Bensouda for her briefing and for presenting the ninth report on the implementation of resolution 1970 (2011). We commend and encourage the work of her team in a difficult environment, characterized by the continuing deterioration of the political and security situation in Libya. The progress achieved in the cooperation between the Libyan authorities and the International Criminal Court (ICC) is a positive sign and a prerequisite for the implementation of the memorandum of understanding, as well as the ongoing judicial cooperation.

We are deeply concerned by the information contained in the report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/28/51) presented at the twenty-eighth session of the Human Rights Council in March, on the human rights situation in Libya. The report documents cases of indiscriminate shelling, violations of international humanitarian law, summary executions, abductions and torture and attacks against the justice system, which is no longer functioning in most parts of the country.

Many of the recent violations and abuses of human rights fall under the jurisdiction of the ICC, and we support the investigations carried out by the Court. We also support the Human Rights Council resolution of 27 March (A/HRC/RES/28/30), on technical assistance and capacity-building in Libya, which also requests the High Commissioner to urgently dispatch a mission to investigate violations and abuses of international human rights law committed in Libya. It is clear that only peace and stability in Libya will permit the proper functioning of judicial institutions and holding

accountable criminals and violators of international human rights law.

We reiterate our support for the efforts of Special Representative of the Secretary-General Bernardino León to achieve a political solution to the crisis through an inclusive dialogue. We urge all of the Libyan parties to the crisis to accept an immediate and comprehensive ceasefire, so as to allow the political process to move forward constitutively.

In conclusion, we would like to express Angola's support for the implementation of resolutions 2213 (2015) and 2214 (2015), in particular the measures to address threats to peace and security in Libya, as the country's ability to face future challenges will ultimately depend upon a political settlement and stability.

Mr. Zhao Yong (China) (*spoke in Chinese*): I thank Ms. Fatou Bensouda for her briefing.

China is deeply concerned about the continuing deterioration of the situation in Libya. The most pressing task now is for the concerned parties in Libya to put national interests and the interests of their people first, reject violence, take an active part in a United Nations-led inclusive political dialogue and resolve their differences through negotiation and consultation. They must establish a national unity Government and achieve a political settlement that takes into account Libyan realities and the concerns of all of the parties, with the aim of restoring stability and security in the country. That is the precondition and the basis for achieving judicial justice in Libya.

China's position regarding the International Criminal Court is consistent and remains unchanged.

Mr. Simonoff (United States of America): I thank the Prosecutor of the International Criminal Court (ICC) for her briefing and efforts to promote accountability for atrocity crimes in Libya.

As we have heard, since the Prosecutor last briefed the Security Council on Libya in November (see S/PV.7306), the conflict has persisted, despite the ongoing United Nations-facilitated political dialogue, and has contributed to a disintegration of the rule of law, thus paralyzing the current Government's efforts to tackle human rights problems.

As the United Nations Support Mission in Libya recently stated, armed groups across political, tribal, regional and ideological divides have shown disregard for civilian life. The Prosecutor confirmed that the absence of stability and the rule of law has significant consequences for the work of the ICC. Many of the individuals and institutions with the most critical roles to play in exposing and preventing violence against civilians, including journalists, human rights defenders, judges and prosecutors, female activists and the country's human rights commission, have been singled out for intimidation and brutal violence for simply attempting to provide key services to the Libyan people. Other murders, such as the killing of prominent human rights defender Salwa Bugaighis, last June on the day of national elections, have a clear political purpose, even as it has been impossible to identify those responsible. The ongoing conflict has ravaged Libya's domestic justice institutions, which are essential to protect civilians and which play a key role in advancing respect for human rights. Escalating violence between Libyan political rivals make Libya, its citizens and its resources vulnerable to exploitation by violent extremists. Sexual violence also remains an issue of serious concern, as survivors struggle to access critical services and as those who work to deliver them face intimidation. All of those abuses highlight the stakes of the conflict and the urgent need to develop the strong institutions that Libya needs to protect its people.

The critical first step towards resolving the current crisis and restoring the rule of law and the protection of human rights, is the formation of a national unity Government through the United Nations-facilitated political dialogue. There can be no military solution. All parties should cease hostilities and work to create an environment conductive to inclusive dialogue.

We fully support the efforts of Special Representative of the Secretary-General Bernardino León, who will convene the next round of talks shortly. We urge the parties to seize this opportunity to finalize agreements on the formation of a national unity Government and arrangements for a comprehensive ceasefire before the holy month of Ramadan begins.

We call on all Libyan actors to take steps to ensure due process for detainees. That includes not only releasing any individuals held in unlawful detention, but also planning for the means to transfer detainees to State custody and rebuilding the judiciary's capacity to bring cases to trial.

We welcome the decision by the Human Rights Council at its March session to request that the Office

of the United Nations High Commissioner for Human Rights dispatch a fact-finding mission to investigate violations and abuses committed in Libya since the beginning of 2014. We welcome the Prosecutor's continuing calls on the parties to refrain from unlawfully targeting civilians, or, more generally, from committing atrocity crimes.

With respect to the finding of non-cooperation that the ICC transmitted to the Council, we welcome the continuing cooperation between the Libyan authorities and the Prosecutor's Office to further implement the memorandum of understanding concluded between Libya and the ICC in November 2013, on burden-sharing regarding the investigation and prosecution of former officials of the Al-Qadhafi regime.

At the same time, we reiterate our support of the Council's recent call for Libyan authorities to fulfil their obligation to cooperate with the ICC. We encourage the Libyan authorities to engage with the Court and the Council as appropriate to work to overcome implementation obstacles. We look forward to continuing to work with the other members of the Council, the organs of the ICC and all others that have a contribution to make in bringing this conflict to an end and restoring the rights of the Libyan people.

Ms. Mulvein (United Kingdom): I would like to thank the Prosecutor for her latest report on Libya and for her briefing today.

The United Kingdom remains deeply concerned about the ongoing conflict in Libya. The situation remains fragile and the fighting has continued. While we welcome the progress that has been made in the United Nations-led Libyan political dialogue, the United Kingdom condemns those on both sides who continue to use violence to attempt to achieve their political goals. Both sides in Libya need to demonstrate control over their armed forces in order to implement the ceasefire needed.

There can be no military solution to the current crisis in Libya. We urge those taking part in the United Nations talks to reach agreement on a national unity Government and a ceasefire as quickly as possible. We reiterate our support for resolutions 2213 (2015) and 2214 (2015) and the strong resolution on Libya that was adopted by consensus at the United Nations Human Rights Council on 27 March (A/HRC/RES/28/30).

The United Kingdom strongly shares the Prosecutor's concerns about grave crimes committed by armed groups and militias in Libya. As highlighted in the Prosecutor's briefing, the ongoing violence and instability have allowed extremists, including those purportedly claiming allegiance to the Islamic State in Iraq and the Levant, to emerge. We strongly condemn their savage and cowardly attacks.

The United Kingdom is particularly concerned by reports that indiscriminate gunfire, artillery and air strikes have killed and injured civilians and damaged civilian infrastructure, including schools and hospitals. Civilians on both sides of the conflict have been deliberately intimidated and targeted, including the forcibly displaced Tawergha tribe. Human rights defenders, social activists, journalists and the judiciary have all been intimidated, abducted or murdered. We support the Prosecutor's call to all parties in the conflict to refrain from targeting civilians or civilian objects. We join the Prosecutor in urging all parties to refrain from committing atrocities and to take active measures to prevent the commission of such crimes.

The treatment of detainees in Libya also remains deeply concerning. In April 2014, the United Nations Special Mission in Libya (UNSMIL) reported that 10,000 people were being held in detention. UNSMIL cited ongoing reports of torture and deaths in custody, with perpetrators including judicial police and militia groups. Reports indicate that detentions without trial and arbitrary arrests incresed as the political and security crisis worsened in 2014. In some areas, including Derna and Benghazi, and particularly when dealing with cases concerning conflict-related detainees, judges, prosecutors and judicial police were intimidated, detained or assassinated. We call on the Libyan authorities to ensure due process and fair trial rights for all detainees.

We welcome the fact that the Prosecutor and her Office continue to receive cooperation from the Libyan Prosecutor-General's Office. The United Kingdom wishes to underline the importance of continuing judicial cooperation between the Office of the Prosecutor and the Libyan authorities in order to tackle impunity for atrocities. We thank the Prosecutor for her briefing on the cases against *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. We note that her Office will continue to monitor the situation in Libya and its impact upon the domestic proceedings against Mr. Al-Senussi.

With regard to the case against *Saif Al-Islam Al-Qadhafi*, the United Kingdom recalls that in March the Council adopted resolution 2213 (2015), which

reiterates that Libya is obliged to cooperate fully with, and provide any necessary assistance to, the ICC and the Prosecutor. We note the decision of the ICC Pre-Trial Chamber of 10 December 2014, which found that Libya had failed to comply with requests for cooperation by the ICC, including the request to surrender Mr. Al-Qadhafi. The United Kingdom calls on Libya to surrender Saif Al-Islam Al-Qadhafi to the ICC and to consult with the Court to address any problems that might impede his transfer to The Hague.

The United Kingdom urges the Libyan Government to cooperate fully with the ICC as part of efforts to combat impunity for the crimes that have been committed and continue to be committed in Libya. Libya's future should be built upon a firm foundation that protects and promotes human rights for all. In order to build sustainable peace, it is necessary to tackle impunity for atrocities. Perpetrators of war crimes and crimes against humanity must be held to account for their actions. The Libyan people deserve to see justice.

Mr. González de Linares Palou (Spain) (*spoke in Spanish*): I appreciate the presence of Ms. Bensouda here today, as well as the introduction of her report.

We must recall that, for the second time in its history, on 26 February 2011, the Security Council decided to refer a situation — specifically the situation in Libya since 15 February 2011 — to the Prosecutor of the International Criminal Court (ICC) (see S/PV.6491). Referrals by the Council to the ICC constitute an acknowledgement of the importance attached by the Council to justice, accountability and the fight against impunity. We all know that international peace and security are based on respect for the rule of law. By referring this case — and let us not forget that we did so unanimously — the Council rose to the challenge of the circumstances in the fight against impunity and stood in favour of justice. Nevertheless, a single referral is not enough. Libya needs the Council's support through consistent and appropriate follow-up.

I have three issues to address; first, the situation in Libya; secondly, the state of cooperation between Libya and the Court; and, thirdly, I will make some remarks and pose a question regarding a proposal made by Ms. Bensouda.

With regard to the situation in Libya, we cannot help but express our deep concern at the information we have on the situation. The ninth report of the Prosecutor, the report of the Secretary-General dated 26 February (S/2015/144) and the Human Rights Council's resolution of 27 March (A/HRC/RES/28/30) all sadly attest to the deteriorating situation in Libya, where serious violations of human rights and international humanitarian law continue to take place. Spain unequivocally condemns attacks perpetrated by all parties to the conflict against the population and civilian targets, including arbitrary detentions, torture, extrajudicial executions, assassinations, abductions, the denial of due process, and the persecution of immigrants, women activists, journalists, human rights defenders, attorneys, judges and prosecutors. We condemn just as forcefully the barbaric acts committed by the Islamic State in Iraq and the Levant, or Daesh, and the groups that have sworn allegiance to them, acts that, as the Prosecutor has informed us, may constitute crimes under the Court's jurisdiction. We should also make clear how worried we are about the extremely high numbers of displaced persons, such as the residents of Tawergha.

Spain believes strongly that there can be no military solution to the crisis in Libya, and only a political settlement between the parties can ensure the stability the country needs. We reiterate our call to the parties to refrain from violence and to participate in a spirit of reconciliation in dialogue under the auspices of the United Nations, with a view to forming a Government of national unity. Once again, we support those efforts and those of Mr. Bernardino León, Special Representative of the Secretary-General, to agree on a Government of national unity capable of ensuring respect for the rule of law, justice, freedom and the rights of all citizens. Whatever happens, all the parties should understand that they will be held accountable for their actions.

Concerning the relations between Libya and the International Criminal Court, we were pleased to hear about the constructive dialogue being held between the Prosecutor and the Libyan authorities, including as it relates to the implementation of the memorandum of understanding. We welcome the update on the cases being brought against *Saif Al-Islam Al-Qadhafi* and *Abdullah Al-Senussi*. With regard to Al-Qadhafi, we note the decision of Pre-Trial Chamber I, which found Libya non-compliant with the Court's request to surrender Al-Qadhafi and return seized documents to his defence counsel. In our view, Libya must fulfil its obligations to the ICC and the Council, whose resolutions 1970 (2011) and 2174 (2014) must be abided by. Full cooperation with the Court is essential. The Government of Libya must understand that there can be no end to the violence if there is no end to impunity.

We support the Court's efforts to begin consultations immediately concerning the Government of Libya's failure to cooperate.

With regard to the second case, that of *Abdullah Al-Senussi*, Spain understands that a decision on the inadmissibility of the case amounts to a vote of confidence in the Libyan justice system. We view that positively and hope it translates into the holding of a fair trial with all the guarantees of due process, and we await with interest any information from the Prosecutor in that regard. Libya has frequently reiterated its commitment to bringing justice to the victims, and for that the Government should have the support of the international community. In that regard, we believe we should consider establishing a contact group on justice capable of giving practical help to the Libyan authorities and the judicial system. In other words, we support Prosecutor Bensouda's proposal to create such a contact group, and I would like to know what her views are on more specific details of its composition and nature, and above all the kind of assistance it would provide to the Libyan authorities.

In conclusion, I reiterate our gratitude for Prosecutor Bensouda's work and for the tireless efforts of the International Criminal Court to deal with these enormously difficult cases, prioritize justice and put an end to impunity.

Mr. Stehelin (France) (*spoke in French*): I would like to thank Prosecutor Bensouda for her ninth report and for her briefing, and to affirm France's support for the Prosecutor, and for the International Criminal Court (ICC) as a whole.

France reaffirms its commitment to resolution 1970 (2011), which referred the situation in Libya to the Prosecutor of the International Criminal Court, thereby saving a considerable, indeed incalculable, number of human lives. The resolution also constitutes a symbol of the Council's support to an institution whose noble mission is to ensure that, as the preamble to the Rome Statute states, the most serious crimes of concern to the international community as a whole do not go unpunished.

A careful perusal of the Prosecutor's ninth report makes it clear that there are three ways in which the Security Council should continue to work to ensure that Libya, which is currently going through a period of instability and uncertainty whose chief victims are the Libyans themselves, can get back on the road to peace and justice. The first is by encouraging the Libyan authorities to continue above all to cooperate with the ICC. That cooperation is crucial to ending a long period of impunity in Libya and enabling the Court to fulfil the mandate entrusted to it by the Statute and the Council, and it will help to build a judicial system in Libya that respects the rule of law.

Acting in accordance with the Rome Statute and resolution 1970 (2011), Libya has requested that Mr. Saif Al-Islam Al-Qadhafi and Mr. Al-Senussi be tried in Libya, based on the principle of complementarity. The Court has jurisdiction to try Mr. Al-Qadhafi and has requested that he be surrendered to it. However, it found the *Abdullah Al-Senussi* case inadmissible, and thus amenable to Libya's demands. At this point, the Prosecutor's report believes that it would not be useful for the Court to undertake a new investigation of those decisions. Libya must comply with the judges' decision on this key issue, as the Pre-Trial Chamber recalled in its decision of 10 December 2014 and as the Prosecutor's report also emphasizes. France therefore calls on Libya to continue its consultations with the ICC in order to remove obstacles to implementing the decision to surrender Mr. Al-Qadhafi to the Court.

France is pleased that in its resolution 2213 (2015), of 27 March, the Council heard the Court and the Prosecutor's message loud and clear, noting the decision of the Pre-Trial Chamber dated 10 December 2014 and emphasizing strongly the importance of the Libyan Government's full cooperation with the ICC and the Prosecutor. The Council also called on the Libyan Government to cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011). We are pleased to note that, despite the instability prevailing in Libya, the Office of the Prosecutor was able to talk to its Libyan counterpart and implement the memorandum of understanding signed in November 2013, on sharing tasks between the Court and the Libyan authorities. France urges Libya to continue those efforts to share information and cooperate.

The second task is to ensure that the multiple crimes committed since 15 February 2011 do not go unpunished. In that context, France would like to highlight the section in the report that emphasizes that crimes attributable to members of Daesh fall prima facie within the jurisdiction of the Court on the basis of resolution 1970 (2011). France, which recently organized an open debate in the Security Council on

the situation of victims of ethnic and religious violence in the Middle East (see S/PV.7419) and, along with other members of the Council, urged for a referral to the ICC, can only encourage the Prosecutor to continue investigating such acts, some of which may constitute war crimes or crimes against humanity.

The third and last step is to provide practical support to the Libyan authorities, particularly in the area of justice and rebuilding the rule of law. On this last point, the Council remains convinced that the only solution to the Libyan crisis is a political one. The efforts of Mr. Bernardino León, Special Representative of the Secretary-General, and of the United Nations Support Mission in Libya in general, to achieve a ceasefire and an inter-Libyan agreement can contribute to peace and stability and to establishing the rule of law in Libya. For that it is essential that the Council continue to provide support to United Nations mediation efforts, and in particular to establishing a Government of national unity as soon as possible. That requires that we collectively send a strong messages to the parties involved and consider using sanctions against provocateurs.

Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We would like to thank the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, for presenting the ninth report on the situation in Libya in accordance with resolution 1970 (2011) and for the work she has undertaken with a view to achieving justice for this brotherly African country.

The Bolivarian Republic of Venezuela, as a State party to the International Criminal Court (ICC) since 2002, champions the strengthening of the Court's institutional framework and its efficiency. We therefore encourage those countries that are not States parties to the Rome Statute to accede to that instrument in order to strengthen the rule of law at the national and international levels. Cooperation is an essential aspect in achieving the objectives of the Court, which requires the commitment of States to implementing its decisions and supporting its work. Strengthening the international criminal justice system, represented by the ICC, requires that States parties refrain from signing immunity agreements with countries that are not parties to the Rome Statute so as to exclude from the Court's jurisdiction individuals who are possibly responsible for committing crimes established under the Statute. This practice undermines the spirit and purpose of the Statute.

Venezuela is concerned that some trials have been carried out very quickly owing to political reasons, as has been the case in Libya. We are also concerned about the intervention of the Security Council, through its referral of cases over which the International Criminal Court has jurisdiction. That highlights the politicization of decisions on which the international community should act. It is no secret that there have been many examples of cases recently that have been said to fall outside the jurisdiction of the Court, despite evidence that they fall under the ICC's jurisdiction, and on which no action has been taken, such as what happened in Iraq, Libya and Palestine. In this sense, one could infer that if the ICC continues to act in this manner, the its autonomy, independence, objectivity and impartiality — principles that should prevail in the ICC's work — could be affected. There can be no double standards for legal issues. In that connection, ICC cases should not be settled outside the framework of the Court; they should be resolved within the institutional structure of the Court with the participation of the members of the Assembly of States parties to the Rome Statute.

We are concerned about the deterioration of the political and security situation in Libya, as referred to in the report, which clearly describes the complex situation of displaced persons, attacks on civilians, illegal detentions, torture, disappearances, killings, persecution and abuse, as well as the obvious legal delays and violations of basic human rights evidenced by the fact that there are approximately 8,000 political detainees. Those are indications that violations of international humanitarian law and human rights continue in the country.

That atmosphere of general insecurity has affected the work of human rights activists, lawyers, judges and prosecutors, who for security reasons have not been able to pursue investigations that fall within their remit, including the prosecutions of Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. Since he was captured in November 2011, Saif Al-Islam has been in the custody of the Zintan tribe to ensure his physical safety because of the danger inherent in his transfer to the capital or to any party claiming to represent the interests of the Libyan people. These disturbing events underscore the absence of the rule of law.

The country has not yet regained its institutional footing and it has not been able to establish new institutions. Therefore, we cannot speak of the application of justice in a country where the existing norms do not guarantee citizens equal treatment under the law. In this regard, we call on the Libyan authorities to fully cooperate with the International Criminal Court and the Office of the Prosecutor by delivering Saif Al-Islam to the Court so that he may remain in its custody, thereby guaranteeing his protection and his right to a fair trial.

We condemn the presence and activities of terrorist groups, such as Al-Qaida, the Islamic State in Iraq and the Sham and associated groups, which have expanded their presence in Libya owing to the institutional collapse in the wake of the military intervention and war in 2011. As a result, those terrorist groups have focused on carrying out attacks on ethnic and religious minorities, as evidenced in the executions of Egyptian, Ethiopian and Eritrean citizens; indiscriminate attacks on civilians; and kidnappings and disappearances of those who think differently from these terrorist groups. The perpetrators of these heinous crimes must be prosecuted and we hope that the ICC has all the support it needs to act quicly. Venezuela supports the efforts of the Office of the Prosecutor to ensure that justice and accountability prevail in Libya and that the authorities promote the establishment of a comprehensive and effective justice system to put an end to the persistent impunity in this country.

Finally, we believe that an inclusive political dialogue and the establishment of a national unity Government are the basis for establishing the rule of law with strong judicial institutions that ensure the promotion and respect of human rights, including international standards of due process, the right to defence, the presumption of innocence and fundamental legal guarantees. In this regard, we support the efforts of Special Representative of the Secretary-General Bernardino León to reach a political solution and urge all parties concerned work to ensure that peace returns to this brotherly African country. That is an indispensable requirement for building the institutional framework in a country that has been ravaged by war since 2011.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We have taken note of the ninth report on the situation in Libya. We thank Ms. Bensouda for her participation in this meeting and her briefing.

Following the destruction of its State institutions in 2011, the situation in Libya continues to be a source of multifaceted threats. It is enough to mention the vivid spectre of terrorism, arms trafficking and the unprecedented growth of the criminal business of smuggling migrants across the Mediterranean Sea. The breakup of the State has reached the point at which the Libyan conflict has become a constant, roaring hotspot on the global map of political instability. Under the auspices of the United Nations, significant efforts have been made to establish inter-Libyan dialogue aimed at finding a peaceful solution to the crisis. That goal seems almost impossible to achieve, but we hope that the formula for a solution that would ensure the end of violence and general stability will be found.

In this vulnerable situation, the use of the international criminal justice mechanism should be carefully considered and calibrated, both in terms of its substance and timing. The idea of establishing new formats for dialogue on the topic of Libya with the participation of the International Criminal Court (ICC) should be considered not only from the point of view of its added value, but also in conjuction with efforts to establish national dialogue in the country.

We feel that the reports on the situation in Libya are becoming increasingly descriptive, akin to the materials issued by monitoring missions. Almost nothing is said in the report about the planned procedural steps. In the past, the Court initiated proceedings against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi and issued warrants for their arrest in a very short period of time — just four months after the Council's referral of the situation to the Court. Since then, however, no progress has been noted, although the former Al-Qadhafi supporters are not the only parties to have committed crimes in Libya that may fall under the Rome Statute. We think that the experience of using the ICC to address the situation in Libya in terms of ensuring justice, encouraging prevention and contributing to national reconciliation cannot for the time being serve as an argument in support of proposals to refer other cases to the Court.

We note a completely new aspect in the report, namely, its mention of the crimes committed by the Islamic State in Iraq and the Levant (ISIL) and affiliated groups. The rising level of terrorist threat and the strengthening of the capacity of ISIL in Libya are both a cause for deep concern. An appropriate response to terrorist crimes in which efforts are made

to bring perpetrators to justice could be a significant contribution to the international community's fight against this scourge. In that regard, we hope to receive more detailed information on the actions the Prosecutor's Office plans in this regard.

Mr. Olguín Cigarroa (Chile) (*spoke in Spanish*): I thank the Lithuanian delegation for convening today's meeting. We welcome the presence of the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, as well as her presentation of the ninth report of the Court pursuant to resolution 1970 (2011).

As we have stated on previous occasions, Chile is aware of the multidimensional difficulties that remain in Libya and which are detailed in the report. In the face of these difficulties, we echo the call of the Court for all parties involved in the conflict to refrain from attacking civilians and committing serious crimes that continue to be reported. We also call on the Libyan Government to work with the Council and the international community to develop effective cooperative strategies to prevent war crimes from being committed and address the problems of internally displaced persons.

We insist on the need to strengthen efforts deployed to find an inclusive political solution aimed at strengthening the institutions of Libya, the rule of law and human rights, including the rights of women, children and persons belonging to vulnerable groups. It is also essential for the Government to fully cooperate with the ICC and its Prosecutor. All of this should be done in accordance with the provisions of resolution 1970 (2011) and the decisions of the Pre-Trial Chamber dated 10 December 2014 and pursuant to resolution 2213 (2015), which urges the Libyan Government to fulfil the obligations incumbent upon it under international law.

Once again, we acknowledge the work of the Prosecutor in investigating the crimes committed since February 2011 and urge her to continue in this noble task. On this point, we view the ties of cooperation and assistance that are being established between the ICC and the Office of the Libyan Prosecutor-General as a positive signal.

We think that, along the same lines, cooperation between the Government and the United Nations Support Mission in Libya with the International Criminal Court is essential to putting an end to impunity. It is in this spirit that — taking up the idea of establishing an international contact group on judicial issues mentioned here in the Council — we particularly welcome the idea of including in the group prosecutors of various nationalities who could provide material and legal support to Libya. My country, Chile, is ready to provide support and cooperate actively in this initiative, bearing in mind the experience we have to share in the area of transitional justice.

Chile will continue to work to establish a closer relationship between the Security Council and the ICC, especially with regard to the two cases that the Council has referred to the Court and the challenges related thereto. Clearly, the referrals do not close the matter by themselves; rather, it is essential that the Council ensure effective monitoring and support the Court's judicial efforts in these cases in compliance with the mandate it has been given.

The issues raised by the Prosecutor on insecurity and lack of funding that affect the Court's work should be duly addressed by the Council. We stress the importance of ensuring objective accountability for all crimes committed by the parties during the events that occurred in Libya. I would like to reiterate the support of my delegation for the work of the Court and of the national judicial bodies. Lastly, I express our full readiness to work in support of initiatives that advance the common goals of peace, security and justice.

Mr. Taula (New Zealand): We also thank Ms. Bensouda. New Zealand appreciates this opportunity to engage with the Prosecutor on the situation in Libya.

We share the deep concern expressed about the continued violence and political crisis in the country, and the impact of the crisis on Libya's neighbours, the States of the Sahel and the wider region. The Prosecutor has highlighted that atrocities continue unabated. We also share the Prosecutor's deep concern about grave crimes against civilians in Libya committed in the name of the Islamic State in Iraq and the Levant. The Security Council has spoken as one about its commitment to work with Libya to combat this terrorist threat and to hold those responsible for such attacks accountable.

While the urgent political and security challenges in Libya are uppermost in the Security Council's mind, we pursue them with a longer-term vision. A successful conclusion to the United Nations-led political process is central to creating the conditions necessary for a lasting peace in Libya. To ensure sustainable peace, the international community must partner with Libya and support it in rebuilding justice institutions and

strengthening the rule of law. As Ambassador Dabbashi has recognized repeatedly, accountability for past crimes and effective transitional justice are central to these efforts.

The present violence and absence of State control in Libya makes the pursuit of justice particularly difficult. We recognize the enormous strain this puts on the Libyan authorities, which is why it is important for the Council and the United Nations — through the United Nations Support Mission in Libya and Special Representative of the Secretary-General León — to work with the Libyan authorities to support their efforts.

Despite the aforementioned challenges, we are pleased that the Prosecutor continues to receive cooperation from the Libyan Prosecutor-General and that the memorandum of understanding is still being implemented. This groundwork should help to ensure that the cases against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi proceed as quickly as possible and to support Libya in meeting its obligations under the Rome Statute and resolution 1970 (2011). It is important — not only for meeting Libya's obligations, but for the credibility of the final judgment — that domestic proceedings against Al-Senussi progress expeditiously and in line with due process requirements. As for Saif Al-Qadhafi, we note the Pre-Trial Chamber's finding on non-compliance in December and join the Prosecutor in encouraging Libya to reach out to the Court to resolve any issues that prevent it from surrendering Al-Qadhafi.

We appreciate the Prosecutor's consistent raising of the plight of internally displaced persons, in particular the acute situation of the Tawerghans, who have not yet been able to return to their land. We welcome the framework agreement struck between the municipalities of Misrata and Tawergha on the margins of the United Nations-facilitated talks. A lasting agreement that assists the return of the Tawerghans to their land after four years would send an important message to other groups in Libya that reconciliation, including at a national level, is achievable.

We recognize that the ability of the Prosecutor to expand investigations into other alleged crimes is hampered not only by the security situation but also by a lack of resources. The Council needs to think seriously about what it can do to support the mandates it gives to the Court.

The Security Council should not approach these biannual briefings as simply a compliance exercise. It is a chance to share constructive, concrete ideas for ways the Council, the wider United Nations system and international partners can support Libya's efforts to bring justice to victims. In this regard, we appreciate the Prosecutor's suggestion that a judicial contact group be established to better coordinate the provision of material and legal support to the Libyan authorities.

I wish to end by again recognizing the presence here today of the Libyan Permanent Representative, which we view as a testament to Libya's determination to maintain a positive dialogue with the Court.

Mr. Adamu (Nigeria): We too thank Prosecutor Bensouda for her presentation of the ninth report of her Office to the Security Council pursuant to resolution 1970 (2011).

On matters pertaining to cooperation, we are pleased to note that the Libyan Prosecutor-General's Office has been cooperating with the International Criminal Court (ICC) in the key areas identified in the report under consideration. We welcome the successful outcome of the working meetings held in November and December 2014. It is our expectation that this will strengthen judicial cooperation between the ICC and the Libyan authorities, and we encourage the two parties to continue to work together with a view to ending impunity in Libya.

Concerning the case against Saif Al-Islam Gaddafi, we note that the decision of the Pre-trial Chamber upheld by the Appeals Chamber as to the admissibility of his case. Libya as a State party to the Rome Statute has an obligation to surrender him to the Court. In the case of Abdullah Al-Senussi, we note the conclusion of the Court that there are currently no new facts emerging from his ongoing trial in Libya to support a reversal of the Court's decision that the case is inadmissible. We welcome the decision of the Court to continue to monitor the case against Mr. Al-Senussi and its concern about how it may be affected by the situation in Libya.

With regard to ongoing investigations of crimes committed by militias and armed groups in Libya, we are concerned that progress has been hampered by the situation in Libya and lack of resources. We appreciate the difficulty presented by the challenging situation in Libya to the work of the Court and call on the people of Libya to embrace dialogue and work together for the establishment of a Government of national unity.

This, we believe, is a critical first step in stabilizing the country and ending the impunity of militias and armed groups.

Nigeria notes with deep concern the crimes allegedly committed by the different parties in Libya since February 2011. This can be attributed in part to the current power and security vacuum in the country, which has created space for terrorist groups and militias to operate virtually unrestricted. We condemn in the strongest terms the brutal killings by the Islamic State in Iraq and the Sham and other terrorist groups. We also condemn the indiscriminate attacks on residential areas, car bombings and suicide attacks targeting civilians. Those committing grave crimes such as torture, illegal detention, abductions and executions must be held accountable. We welcome the commitment of the Libyan authorities to bring perpetrators to justice and encourage them to continue to work with the ICC to that end.

Mr. Ibrahim (Malaysia): I too should like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for presenting her ninth report on Libya to the Security Council. Since her last briefing to the Council, in November 2014 (see S/PV.7306), the political and security situation in Libya has continued to deteriorate. Malaysia remains deeply concerned at these developments.

The current, unstable situation in Libya has proven to be a breeding ground for more crimes to be committed every day by various militias and armed groups in the country, in particular groups that have pledges allegiance to the Islamic State in Iraq and the Sham/Da'esh. Over the past few months, we have seen brutal executions of civilians, unrestrained attacks on public installations and indiscriminate bombings of heavily populated areas, all of which have led to senseless civilian casualties. At the same time, the Prosecutor's report also pointed out the ongoing abductions, unlawful detention, torture and execution of combatants and civilians alike.

The perpetrators of these grave atrocities must be held accountable. The culture of impunity, if allowed to prevail any further, would only mean the loss of further innocent life. Those who are fortunate enough to escape the ill fate have fled and will continue to flee their homes, resulting in mass displacement. Malaysia is particularly alarmed by the total number of displaced persons recorded by the end of December 2014, which was reported to have increased eight-fold compared to before the 2014 crisis. We were equally dismayed to learn of the increasing number of migrants who have perished trying to cross the Mediterranean in the attempt to escape the conflicts in their home countries.

Malaysia is of the view that the efforts of the Libyan authorities to demonstrate compliance with the relevant Security Council resolutions would go a long way towards building trust and confidence in their commitment to holding to account individuals and parties responsible for grave violations of international human rights law and international humanitarian law.

Moving forward, we acknowledge that the ability of the Libyan Government to continue its cooperation, as well as the level and effectiveness of such cooperation, will depend largely on the stability of Libya. Towards that end, Malaysia reaffirms its commitment to assisting and cooperating with all interested parties and stakeholders in effecting improvements to the current situation in Libya through the Security Council. Malaysia takes this opportunity to reaffirm its full support for the ongoing efforts of the Special Representative of the Secretary-General in promoting an inclusive political process with all relevant parties in Libya.

Mr. Cherif (Chad) (*spoke in French*): I join previous speakers in thanking Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for presenting her ninth report on Libya.

We note that, since the last report of the ICC was submitted to the Security Council (see S/PV.7306), the political and security situation in Libya has hardly improved. On the contrary, it has seriously deteriorated, as has the human rights situation. This situation has not allowed the Court to effectively carry out its activities in the country. The Libyan authorities for their part, while they have not refused to cooperate, do not facilitate progress in this regard.

With regard to the crimes committed in 2011, the trials of the principal perpetrators — Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi — have not yet begun, either at the ICC or in the Libyan courts, since the issuance on 27 June 2011 of their arrest warrants. While we recognize the complexity of the situation in Libya, we encourage the national authorities to respond favourably to the Court's request regarding these two cases, calling for them to uphold the commitments undertaken in the protocol of understanding signed in November 2013. We welcome the ongoing cooperation

between the Office of the Prosecutor-General in Libya and the Court, and we welcome the commitment and professionalism of national investigators, who continue to work under very difficult conditions.

Since the last report of the Prosecutor, in November 2014, approximately 8,000 persons, including many civilians, have remained in detention without trial under difficult conditions despite the calls made by the Security Council. Tens of thousands of newly displaced persons have been recorded, and cases of serious human rights violations, such as abductions and torture, have been reported. We condemn the persecution of members of civil society, human rights defenders, jurists and journalists, who have courageously denounced the senseless violence.

The growing terrorist presence in Libya has led to an increase in and worsening of crimes committed for religious reasons against foreigners. In that regard, we strongly condemn the recent savage executions of Egyptian and Ethiopian nationals by the Islamic State in Iraq and the Levant. The perpetrators of those crimes must be identified and brought to account for their crimes.

Moreover, we express our serious concern with regard to the grave violations committed against thousands of migrating African labourers. They are sometimes taken hostage, often persecuted and robbed of their belongings, or executed without any form of trial. Those migrants also fall victim to all kinds of traffickers who swindle them and unscrupulously pile them, women and children included, into makeshift boats, the tragic wrecks of which have become an almost daily occurrence. In any event, the international community must mobilize to help the Libyan authorities put an end to the massive violations of human rights and international humanitarian law and to impunity.

In conclusion, we reiterate our full support for the negotiations taking place in Skhirat in Morocco under the auspices of the United Nations, and hope that the Libyan parties will quickly be able to reach a final agreement on the formation of a national unity Government able to put an end to the hostilities. Without peace, it will be difficult to deliver justice.

The President: I shall now make a statement in my capacity as the representative of Lithuania.

I thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for preparing the ninth report to the Security Council and for her briefing on the work of her Office in relation to its ongoing efforts to ensure accountability for serious international crimes in Libya.

Lithuania is concerned that since the last time the Prosecutor briefed the Council (S/PV.7306), the security situation in Libya has sharply deteriorated. Indiscriminate attacks in heavily populated areas, the abduction of civilians, torture, unlawful killings and arbitrary executions with mass beheadings testify that violations of international humanitarian law and abuses of human rights continue to be committed in Libya.

The growing impact of terrorist groups in Libya, particularly those affiliated with Daesh, is terrifying. Alleged executions by those groups, including the mass beheading of 21 Egyptians in February and dozens of Ethiopian and some Eritrean nationals in April, may constitute crimes against humanity and war crimes under the Rome Statute. Such an environment clearly cannot be conducive to ensuring accountability in the country.

Especially worrisome are the growing threats to human rights defenders, media workers and journalists. Last year, eastern Libya was among the five most dangerous areas for journalists worldwide; 97 journalists were attacked, 29 kidnapped and four killed. We encourage the Prosecutor and her Office to closely monitor that situation, as some of those crimes could fall within the jurisdiction of the International Criminal Court.

Lithuania notes with concern the slow progress that has been made on the issue of detainees in Libya. The Government of Libya has to redouble its efforts to put an end to that situation, release the detainees against whom there is no evidence, and refer cases where there is evidence to the national courts, in accordance with national legislation.

Lithuania thanks the Prosecutor for her update on the cases against Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi. We continue to urge Libya to uphold its clear legal obligation and surrender Saif Al-Islam Al-Qadhafi to the custody of the ICC. We are aware that national proceedings against Saif Al-Islam Al-Qadhafi resumed last fall; however, Libya should ensure that that trial does not undermine its responsibility and obligation to cooperate with the Court.

Despite the fact that Libya still faces numerous challenges in the area of strengthening rule-of-

law institutions, a constructive dialogue continues between the Offices of the ICC Prosecutor and the Libyan Prosecutor General on further implementation of the memorandum of understanding. International cooperation is essential to achieving a genuine peace in Libya, building a strong and effective judicial system and ensuring respect for its citizens' human rights. We support the creation of a contact group on justice, as suggested by the Prosecutor, and believe that such a group could provide particular support in fighting impunity at the national level.

Allow me to conclude by expressing our strong support for the ICC and the work of the Office of the Prosecutor, and to reiterate that the United Nations has to ensure that adequate resources are made available for the investigation of the situations referred to the Court by the Security Council. The fight against impunity is not an obligation exclusive to the States parties to the Rome Statute; it is the obligation of the entire international community. Therefore, the commitment to provide the Court with the necessary recourses has to be fulfilled.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): At the outset, I am pleased to congratulate you, Madam, and your delegation on assuming the presidency of the Security Council for this month. I wish you every success.

I also wish to thank Ms. Fatou Bensouda, the Prosecutor of the International Criminal Court (ICC), for her important briefing. The Libyan authorities understand that they are responsible for combating impunity and achieving justice throughout Libyan territory. They also realize that the role of ICC is an auxiliary one within the framework of the principle of complementarity between the national and international judiciary systems.

At this time, I would like to express our satisfaction with the cooperation and meetings held between the Office of the Prosecutor of the ICC and the Prosecutor General of Libya, and the emphasis the two parties have placed on implementing the memorandum of understanding on burden-sharing signed between them. I welcome the proposal of the Prosecutor concerning the establishment of an international contact point on justice to support the judiciary authorities in Libya. We will consult with interested States on that matter. By the same token, I emphasize the readiness of the Libyan mission to the United Nations to facilitate the travel of officials from Misrata and Tawergha to New York should the Security Council find it useful for the resolution of the issue of internally displaced persons.

Libyan judiciary authorities are determined to fulfil their commitments despite the difficult circumstances faced by our judiciary, particularly the Office of the Prosecutor General and judges, given the state of insecurity. That insecurity arises from the control by outlawed militias of the capital since August 2014 and their shared authority over civilian areas in the absence of any political authority able to issue orders or force them to respect the law and human rights. This situation led, inter alia, to delaying the trials of officials of the Al-Qadhafi regime, including Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi.

Despite the difficult circumstances, the Libyan authorities have proven their effective and practical ability to guarantee the conduct of fair trials for those accused of the most serious crimes perpetrated in Libya since February 2011. They have made progress in the investigation proceedings undertaken by the Prosector General's Office and the staging of public trials, at which all the guarantees for the accused enshrined in national legislation and international instruments have been taken into consideration. Militia control of prisons where the accused officials from the previous regime are incarcerated, involving one case in particular in Tripoli and Misrata, and the impossibility of bringing that case before the Criminal Chamber, have necessitated a delay in the resumption of the trial sessions until the rights of the accused can be protected in accordance with international law. We hope that legitimate authority can be restored over the capital so that these trials may be resumed in a normal environment.

In that connection, the Parliament and the interim Government reiterate their commitment to restoring the institutions of the State to the capital, Tripoli, extending the authority of the State to the detention centres and jails currently under militia control, and adopting the measures necessary for the resumption of fair trials for the accused, in accordance with international instruments, as soon as possible. They emphasize their resolve to achieve criminal justice and to prosecute perpetrators of crimes, including those responsible for destroying private and public property and installations and for breaching human rights in Libya

since 15 February 2011, regardless of the identity of the victim or the perpetrator. They are also determined to ensure reparations for the victims for the harm done to them, to achieve national reconciliation and to return refugees and evacuees to their homes.

While the Libyan authorities commend the interest shown by the ICC in consolidating the principle of accountability, achieving criminal justice and pursuing the perpetrators of crimes of humanity and other serious crimes, they emphasize the need to uphold the exercise of their legal jurisdiction and judicial mandate in trying the accused, in accordance with the provisions of national laws and international instruments, including the Rome Statute through which the ICC was established.

We reiterate that Libya's exercise of its national judicial jurisdiction does not mean it will not respect the decisions of the judges of the ICC or cooperate with the Court. It means that we will continue to apply our national judicial proceedings as we establish the necessary procedures with the ICC to convince it to amend those decisions that we disagree with. Since 2011, the Libyan authorities have been eager to promote cooperation with the Court as a complementary organ supporting the Libyan judiciary. Numerous meetings have been held between the Prosecutor of the Court and the General Prosecutor of Libya. Important proceedings have been adopted to enshrine cooperation and complementarity between the national judiciary and the judges of the ICC.

Undoubtedly, the end goal of these trials is to combat impunity and achieve justice. Conducting proceedings and trials in Libya would consolidate that goal at the national level, since these crimes were committed there. It is easy to bring the case, evidence and witnesses there, in addition to the fact that the case of Saif Al-Islam Al-Qadhafi includes a number of officials of the previous regime. However, partitioning the case may spoil the evidence and mislead the investigations. Conducting trials in Libya generates a sense of justice, and public opinion will be the cornerstone of national reconciliation, security and stability in the country. The Libyan authorities reiterate their hope that the ICC will acknowledge the Libyan judiciary's jurisdiction in trying Saif Al-Islam Al-Qadhafi, just as it acknowledged its jurisdiction in trying Abdullah Al-Senussi.

In conclusion, the Libyan authorities look forward to further support of the Security Council for the creation of conditions conducive to implementing and fostering the rule of law in Libya as soon as possible. We hope for further positive cooperation with the ICC to achieve criminal justice in the framework of Libyan sovereignty. We hope that the Libyan dialogue currently under way in Skhirat in fraternal Morocco will succeed in achieving broad agreement among the participants to form a national unity Government, even if some interlocutors decide to withdraw for any reason. Restoring State institutions and extending State authority to all its territory is the only way to end the criminality and human rights violations and to achieve justice for all.

The President: I now give the floor to Prosecutor Bensouda to respond to comments and questions raised.

Ms. Bensouda: On the issue of the contact group which the representative of Spain raised, I welcome the interest of Spain and of others in what, I believe, could be a very important transformative process. I can already say that we have helped to facilitate initial discussions between Libya and several Rome Statute State parties. We are happy to be able to help bring other interested parties into that discussion, but, as we always say, Libya must take ownership of this process if it is to succeed.

I envisage that such a contact group would ensure a systematic and sustained focus on the issues of justice and accountability in Libya and also serve as a forum for brainstorming on how institutional capacity in Libya can be strengthened. The group could also systematically look at the challenges and needs of the Government of Libya to meet its obligations with respect to cooperation with the International Criminal Court and to advance the course of justice in Libya. I also think such a contact group could facilitate and pool resources and receive assistance from willing States for capacity-building in Libya, taking into account the issue of complementarity. Those are some of the ideas we have had that suggest such a contact group could be very useful.

The President: There are no more names inscribed on the list of speakers.

The meeting rose at 4.40 p.m.